

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Disciplinary action against Sri M.A.Shakoor Siddiqui, Regional Inspector of Probation, (Retd.) – Imposition of punishment of 10% cut in Pension permanently under Rule 9 of A.P. Revised Pension Rules, 1980 - Orders – Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (JJ)

G.O.Ms.No. 22

Dated 30-062012.
Read the following:-

1. Proceedings of the Commissioner, JWCS & WSC, Hyderabad, Letter No. EA1/242/04-II, dated 08.10.2004.
2. From the Commissioner, JWCS & WSC, Hyderabad, Proceedings. No.EA1/242/2004, dated 17-11-2004.
3. From the Commissioner, JWCS & WSC, Hyderabad, Proceedings. No.EA1/242/2004-III, dated 01-02-2005.
4. From the Director, JWCS & WSC, Hyderabad, Proceedings No.EA1/242/2004, dated 08-04-2005.
5. From the Director, JWCS & WSC, Hyderabad, Letter No.EA1/242/2004, dated 22.11.2008 & 02.05.2009.
6. From Sri M.A.Shakoor Siddiqui, Supdt., U/s. Juvenile Home for Boys, Hyderabad, Representation dated 16-02-2008.
7. Govt. Memo. No.8768/JJ/A2/2004-19, dated 03-10-2009.
8. From Sri M.A.Shakoor Siddiqui, Supdt., U/s. Juvenile Home for Boys, Hyd., Representation dated 20-10-2009.
9. Govt.Memo.No.8768/JJ/A2/2004, dated 13-11-2009.
10. From the Hon'ble APAT, Hyderabad Interim Order in O.A.No.1905/2011, dt.27-04-2011 filed by Sri M.A.Shakoor Siddiqui.
11. Govt.Memo.No.8768/JJ/A2/2004, dated 21-05-2011.
12. From Sri M.A.Shakoor Siddiqui, RIP (Retd.) Reprn. dt: 17-06-2011.
13. Govt. Letter No,8768/JJ/A2/2004, dated 19-01-2012.
14. From the Secretary, Andhra Pradesh Public Service Commissioner, letter No.256/RT-I/1/2012, dated: 13-02-2012.

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ORDER :

In the reference 1st cited above, the Commissioner, Juvenile Welfare, Correctional Services & Welfare of Street Children, A.P., Hyderabad has placed Sri M.A.Shakoor Siddiqui, Superintendent, Juvenile Home for Boys, Hyderabad under suspension w.e.f. 08-10-2004 under sub-rule (1) of Rule 8 of A.P.Civil Services (CCA) Rules, 1991, vide proceedings No.EA1/242/2004-II, Dt:08-10-2004, since he was involved in acts of Criminal Misconduct, dereliction of duties, negligence and suppression of facts regarding the incident of Sodomy alleged to have been committed by staff member of Home while he was working as Superintendent, Juvenile Home for Boys, Hyderabad.

2. In the reference 2nd read above, the Commissioner, Juvenile Welfare, Correctional Services & Welfare of Street Children, A.P., Hyderabad initiated disciplinary proceedings by framing charges against Sri M.A.Shakoor Siddiqui, Superintendent, Juvenile Home for Boys, Hyderabad in accordance with the procedure laid down in Rule 20 of A.P.Civil Services (CCA) Rules, 1991, since a criminal case was filed against the Superintendent and the staff member at Police Station, Saidabad and Article of Charge were framed against him.

3. In the reference 3rd read above, orders were issued reinstating Sri M.A. Shakoor Siddiqui, Superintendent, Juvenile Home for Boys, Hyderabad into service vide proceedings No.EA1/242/2004-III, dt:01-02-2005 of Commissioner, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad under clause (5) of Rule (8) of A.P. Civil Services (CCA) Rules, 1991.

(P.T.O.)

4. In the reference 4th read above, the Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, A.P., Hyderabad has appointed an Enquiry Officer and Presenting Officers. As per the report of the enquiry officer, Sri M.A. Shakoor Siddiqui, Superintendent allowed the suspected person to go on leave, did not initiate action against him and did not report the matter to the Higher authority. Hence, he concluded that he is found guilty of the charges of negligence, suppression of facts of the issue and the evidence adduced is enough and there are no reasons of defense on his part.

5. In the reference 5th read above, the Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, A.P., Hyderabad has furnished his remarks stating that it is clear that sodomy incident took place. The Charged Officer has not denied the incident of sodomy taking place in the Home. It is clear that these disgusting activities were going on and due to lack of effective supervision, and negligence. If he had exercised proper control and supervision and had he not neglected his duties, he would have gathered information about these nasty acts taking place right under his nose and would have prevented it. Further, it is also clear that accused Sri Balaram, Male Nursing Orderly was allowed to go on leave shielding him from any action and interrogation. Hence he has not only failed in preventing such incident but also failed to care and protect the children from unnatural activities. The job responsibility of Superintendent include attending to the care and welfare of children, inculcate good discipline and motivate the children to behave properly and that staff members take care of them by performing watch and ward duties properly. Instead of supervising and guarding, the staff responsible for watch and ward duty he has grossly failed in his duties and allowed sodomy to take place. It is clear that both guarding staff and Superintendent grossly neglected their duties and lack of supervision, abdication of responsibility, negligence loomed large and attempted to suppress facts and protecting the offender instead of providing care and protection of children which are proved beyond reasonable doubt and he is found guilty on all counts and liable for punishment regardless of outcome of case.

6. In the reference 6th read above, Sri M.A. Shakoor Siddiqui, Regional Inspector of Probation (Retd.) has requested to treat the suspension period from 08-10-2004 to 03-02-2005 as duty and salary be paid and full (final) pension from 01-04-2005 including gratuity and 40% commuted value of service pension.

7. Further, the Hon'ble Supreme Court of India in their Judgment in Krishnakantha Raghunadh Bibhavnekar Vs. State of Maharashtra (1997 (1) LLJ 1990) and in Smt. K. Poonamma Vs. the State of Kerala (1997 (1) LLJ 1205) held that a Government servant who was placed under suspension in view of his involvement in a criminal case whether connected with official duties or not is not entitled for treatment of suspension as duty and extending consequential benefits even though he is acquitted by the court in the Criminal Case. The suspension period in such cases can be treated as "not duty" after affording him an opportunity of representation under FR 54-B (5) and (7).

8. In the reference 7th read above, a showcase notice has been issued to Sri M.A. Shakoor Siddiqui, former Superintendent, Juvenile Home for Boys, Hyderabad, as to why action should not be taken treating the suspension period from 08.10.2004 to 03.02.2005 as "**not duty**" under Rule FR 54 B (5) and (7) and as per the directions of Hon'ble Supreme Court of India. In the reference 8th read above, the individual has submitted his representation with a request to treat the suspension period from 08-10-2004 to 03-02-2005 as leave.

9. In the reference 9th read above, the Government have issued orders rejecting the request of the individual for treating the suspension period as leave and treated the suspension period from 08-10-2004 to 03-02-2005 as "not duty" under F.R. 54-B (5) and (7).

10. In the reference 10th read above, the Hon'ble APAT passed interim order in O.A.No.1905/2011, dt.27-04-2011 filed by Sri M.A.Shakoor Siddiqui, Regional Inspector of Probation (Retd.) suspending the impugned orders issued by the Government in Memo.No.8768/JJ/A2/2004, dt.13-11-2009, i.e., treating the suspension period from 08-10-2004 to 03-02-2005 as "not duty", pending final disposal of the said O.A.

11. In the reference 11th read above, a Show Cause Notice has been served on the Charge Officer giving a reasonable opportunity to offer his further defense. In the reference 12th read above, Sri M.A.Shakoor Siddiqui, Regional Inspector of Probation, (Retd.) has submitted his representation stating that orders were already issued by the Govt. treating the suspension period as not duty, now the second order of punishment will be illegal as it amounts to double jeopardy. The orders issued 'treating the suspension period as not duty' is not a part and parcel of the punishment under FR 54-B. Hence, the question of double jeopardy does not arise. Since the individual has filed O.A.No.1905/2011 and the Hon'ble APAT in its interim order dt.27-04-2011 has suspended the Government orders issued in Memo.No.8768/JJ/A2/2004, dated:13-11-2009, the Government have decided to issue final orders in the matter accordingly.

12. In the reference 12th read above, the Secretary, Andhra Pradesh Public Service Commission, Hyderabad has been requested to obtain and communicate the concurrence of the Commission on the proposed punishment to impose a penalty of 10% cut in pension permanently against Sri M.A.Shakoor Siddiqui, Regional Inspector of Probation (Retd.) with effect from 01-04-2005 under Rule 9 of A.P.Revised Pension Rules, 1980.

13. In the reference 13th read above, the Andhra Pradesh Public Service Commissioner has furnished their concurrence on the proposed punishment.

14. The Government after careful examination of the entire matter decided to impose a penalty of 10% cut in pension permanently with effect from 01-04-2005 under Rule-9 of A.P. Revised Pension Rules, 1980 on Sri M.A. Shakoor Siddiqui, former Superintendent, Juvenile Home for Boys, Hyderabad and Regional Inspector of Probation (Retd.). Accordingly penalty of 10% cut in pension permanently is hereby imposed against Sri M.A.Shakoor Siddiqui, Regional Inspector of Probation (Retd.), under Rule-9 of A.P.Revised Pension Rules, 1980.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NILAM SAWHNEY,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director,

Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyd.

Sri M.A.Shakoor Siddiqui, former Superintendent, Juvenile Home for Boys,

Hyderabad and RIP (Retd.) through the Director, JWCW & WSC.

The Accountant General, A.P. Hyderabad.

The Government Pleader for WD & CW (Ser,) APAT, Hyderabad.

(with a request to bring the above facts to the notice of the Hon'ble APAT)

The P.S. to Minister (WCD&SC, IK).

The P.S. to Prl.Secretary to Government, Dept. for W.C.D & S.C.

The P.A. to Joint Secretary to Government, Dept. for W.C.D & S.C.

// Forwarded By Order //

SECTION OFFICER